

Message Text

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PAGE 01 MANILA 12004 110953Z

15

ACTION EA-09

INFO OCT-01 ISO-00 PM-04 NSC-05 SP-02 SS-15 CIAE-00 INR-07

NSAE-00 SSO-00 NSCE-00 INRE-00 L-03 H-02 OMB-01 /049 W

----- 082617

O 110841Z AUG 76

FM AMEMBASSY MANILA

TO SECSTATE WASHDC IMMEDIATE 8745

INFO SECDEF WASHDC

JCS WASHDC

CINCPAC

CINCPACAF

CINCPACFLT

CINCPACREPHIL SUBIC

CG 13TH AF CLARK

C O N F I D E N T I A L MANILA 12004

CINCPAC ALSO FOR POLAD

FROM USDEL 197

E O 11652: GDS

TAGS: MARR, RP

SUBJ: PHILIPPINE BASE NEGOTIATIONS: ARTICLE XXI

1. CHAIRMAN OF COMMAND AND CONTROL WORKING GROUP INITIALED
AD REFERENDUM CONTRASTING US-RP LANGUAGE ON ARTICLE XXI (GRANTS
TO A THIRD COUNTRY) ON AUGUST 11.

2. WE REDRAFTED ORIGINAL US ARTICLE XXI IN VIEW OF AMBIGUOUS
LANGUAGE THEREIN WHICH COULD BE INTERPRETED AS REQUIRING US
CONSENT FOR PHILS TO GRANT TO THIRD COUNTRY RIGHTS ETC., RELATING
TO ANY PHIL MILITARY INSTALLATION. OUR REDRAFT ATTEMPTS TO
ACHIEVE MUTUALITY BETWEEN US AND RP CONCERNING THIRD COUNTRY
GRANTS AND CLEARLY LIMITS THE APPLICABILITY OF THE ARTICLE TO
PHIL MILITARY BASES WHERE US FACILITIES ARE LOCATED. PHILS HAVE
NOT YET AGREED TO OUR REDRAFT, BUT AMBASSADOR ROMUALDEZ HAS
INDICATED THERE IS FLEXIBILITY ON PHIL SIDE ON THIS ARTICLE AND
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THEREFORE PHILS MAY EVENTUALLY ACCEPT THE BASIC CONTENT OF OUR

REDRAFT. TEXT OF CONTRASTING US-RP LANGUAGE AS IT PRESENTLY STANDS IS AS FOLLOWS:

QUOTE: ARTICLE XXI; GRANTS TO A THIRD COUNTRY

(RP: THE UNITED STATES SHALL NOT ASSIGN OR SUBLET TO ANY THIRD COUNTRY THE WHOLE OR PART OF ANY OF THE FACILITIES AUTHORIZED FOR USE BY THE UNITED STATES OR OF ANY RIGHT, POWER OR AUTHORITY GRANTED BY THIS AGREEMENT, OR ALLOW THE USE OF ANY SUCH FACILITIES BY ANY THIRD COUNTRY WITHOUT PRIOR APPROVAL OF THE PHILIPPINES.)

(US: NEITHER THE PHILIPPINES NOR THE UNITED STATES SHALL ASSIGN OR SUBLET TO ANY THIRD COUNTRY THE WHOLE OR PART OF ANY PHILIPPINE MILITARY BASE, WITHIN WHICH FACILITIES AUTHORIZED FOR USE BY THE UNITED STATES ARE LOCATED, OR OF ANY, POWER OR AUTHORITY GRANTED BY THIS AGREEMENT, OR ALLOW THE USE OF ANY SUCH BASE BY ANY THIRD COUNTRY, WITHOUT PRIOR AGREEMENT BETWEEN THE PHILIPPINES AND THE UNITED STATES.) END QUOTE.

3. ACTION REQUESTED: WASHINGTON CONCURRENCE/COMMENTS ON US
BRACKETED TEXT SET FORTH IN PARA 2 ABOVE, ASAP.
SULLIVAN

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NNN

Message Attributes

Automatic Decaptioning: X
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Current Classification: UNCLASSIFIED
Concepts: MILITARY BASE AGREEMENTS, NEGOTIATIONS
Control Number: n/a
Copy: SINGLE
Draft Date: 11 AUG 1976
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: ellisoob
Disposition Case Number: n/a
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Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
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Margaret P. Grafeld
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EO Systematic Review
04 MAY 2006

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TAGS: MARR, RP, US
To: STATE
Type: TE
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